

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

AGVR PROPERTY OWNER LLC,

Plaintiff,

v.

JASPER CALHOUN ROWE,

Defendant.

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Civil Action No. **3:24-CV-3002-L-BN**

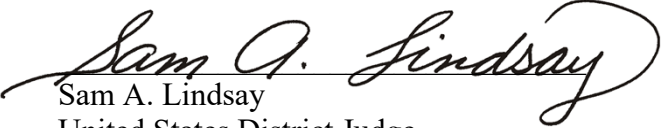
ORDER

On December 11, 2024, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 6) was entered, recommending that the court, *sua sponte*, remand this action for lack of subject matter jurisdiction to the court in Dallas County Court, Dallas County, Texas, from which it was removed by *pro se* Defendant Jasper Calhoun Rowe (“Defendant” or “Mr. Rowe”). The magistrate judge determined that no basis for removal exists under 28 U.S.C. § § 1331 or 1332.

The magistrate judge determined that neither Mr. Rowe’s counterclaim or defenses under the Americans with Disabilities Act (“ADA”) and the Fair Housing Act (“FHA”) support federal question jurisdiction for purposes of removal. Report 3 (citations omitted). Further, the magistrate judge determined that diversity jurisdiction does not exist because Mr. Rowe does not allege the citizenship of all parties or an amount in controversy. *Id.* at 4. As a result, he determined that Mr. Rowe had not shown that there was federal subject matter jurisdiction at the time of removal. *Id.* Finally, the magistrate judge concluded that only a state law claim was pleaded, which is not a basis to establish federal jurisdiction. *Id.*

Having considered the Report, Notice of Removal, pleadings, file, and record in this case, the court determines that the magistrate judge's findings and conclusions are correct, and **accepts** them as those of the court. Accordingly, the court *sua sponte* **remands** this action for lack of subject matter jurisdiction to the Justice Court, Precinct 4, Place 1, Dallas County, Texas, from which it was removed. The clerk of court **shall** effect the remand in accordance with the usual procedure and term all pending motions.

It is so ordered this 30th day of December, 2024.


Sam A. Lindsay
United States District Judge